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 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 HOUTAN PETROLEUM, INC.)	Case No. 3:07-cv-5627 SC
)	
12 Plaintiff,)	<u>CONOCOPHILLIPS COMPANY'S</u>
)	<u>MOTION IN LIMINE NO. 1</u>
13 vs.)	
)	<u>RE: EXCLUSION OF EVIDENCE OF</u>
14 CONOCOPHILLIPS COMPANY, a Texas)	<u>LOST PROFITS, CONSEQUENTIAL</u>
15 corporation and DOES 1 through 10,)	<u>DAMAGES OR OTHER ALLEGED</u>
Inclusive)	<u>ACTUAL DAMAGES OR PUNITIVE</u>
)	<u>DAMAGES</u>
16 Defendants.)	
17 _____)	Trial Date: August 18, 2008
		Time: 10:00 a.m.
		Courtroom: 1
		Before: Hon. Samuel Conti

19
 20 Plaintiff admits that the Court's grant of partial summary judgment in favor of
 21 ConocoPhillips has disposed of Plaintiff's claim for damages in this case. (See Ex. A
 22 (correspondence from Plaintiff's counsel acknowledging "that the Court denied our ability to
 23 recover damages due to the notice issues").) Indeed, Plaintiff's proposed jury instructions and
 24 special verdict form confirm this admission, as neither indicate that Plaintiff maintains it is
 25 entitled to actual or punitive damages. Accordingly, any such claim or argument should be
 26 excluded at trial. In the event Plaintiff's position on this issue has changed, ConocoPhillips is
 27 ///
 28 ///

1 prepared to submit – either in Court or by motion in limine – authorities demonstrating that, as a
2 matter of law, neither actual nor punitive damages are recoverable.

3 Dated: August 8, 2008

4 GLYNN & FINLEY, LLP
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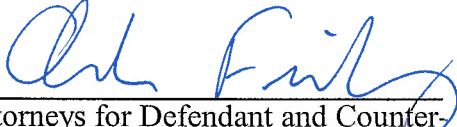
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By 
Attorneys for Defendant and Counter-
Plaintiff ConocoPhillips Company

EXHIBIT A

Adam Friedenber

From: Gennady Lebedev [gennady@lawyer.com]
Sent: Saturday, August 02, 2008 12:46 PM
To: Adam Friedenber
Subject: RE: Houtan v. Conoco

Yeah, it's been fun. Let me know when you want to do the inspection (Thurs. or Fri.) and whether you still want to depose Braasch. I haven't seen your subpoena so I don't know what docs you're looking for. If it's related to Houtan's income, I don't see how that's relevant now that the Court denied our ability to recover damages due to the notice issues.

Let me know,

Gennady

8/8/2008